

**ORDINANCE NO. 11-3004**

**AN ORDINANCE AMENDING CHAPTER 118 "UTILITIES", ARTICLE IV "WATER RESOURCE MANAGEMENT ORDINANCE" OF THE CITY OF BEDFORD CODE OF ORDINANCES, AS AMENDED BY THE REVISION OF DIVISION 3 SECTION 118-115(b) AND THE REFERENCED EXHIBIT B; PROVIDING FOR A FINE SET AT THE MAXIMUM AMOUNT ALLOWED BY LAW FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE AND/OR DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER RESOURCE MANAGEMENT ORDINANCE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS, the City of Bedford, Texas (the "City"), recognizes the importance of continually updating the Water Conservation Plan to meet current conditions; and,**

**WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the "Commission") require that the City adopt a Drought Contingency Plan and a Water Conservation Plan; and,**

**WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Drought Contingency Plan and Water Conservation Plan; and,**

**WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEDFORD TEXAS:**

**SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference.**

**SECTION 2. That the City of Bedford Code of Ordinances Chapter 118 "Utilities", Article IV "Water Resource Management Ordinance", Division 3 Section 118-115(b) and the referenced Exhibit B, is hereby amended to read as follows:**

**DIVISION 3. WATER CONSERVATION PLAN**

**Section 118-115 Adoption of Water Conservation Plan**

- (a) Purpose and scope.** The purpose of this section is to establish the city's policy on water conservation measures.
- (b) Water conservation plan.** The water conservation plan, as the same may be from time to time amended, is attached hereto as Exhibit B and is incorporated herein by reference.
- (c) Authority.** The City Manager or official designee is authorized to implement measures prescribed when required by this section and by the water conservation plan approved by the city council. The Public Works Director is authorized to enforce the measures implemented and to promulgate regulations, not in conflict with this section or state and federal laws, in aid of enforcement.

**SECTION 3. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined the maximum amount allowed by law and/or discontinuance of water service by the City. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.**

**SECTION 4. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed**

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and pending in the Municipal Court of the City of Bedford, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

**SECTION 5.** That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 6.** That this ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

**PRESENTED AND PASSED** on this 26th day of July 2011, by a vote of 7 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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**Jim Story, Mayor**

**ATTEST:**

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**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**